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16 not in its individual capacity but solely as Trustee
17 of NRZ Recovery Trust and Ditech Financial, LLC*

18 **UNITED STATES DISTRICT COURT**

19 **DISTRICT OF NEVADA**

20 CHARLES S. GARNER, and CATHY J.
21 GARNER, husband and wife,

22 Case No.: 3:20-cv-00704-MMD-CSD

23 Plaintiff,

24 v.

25 **STIPULATION AND ORDER TO
26 DISMISS WITH PREJUDICE**

27 DITECH FINANCIAL, LLC, a Delaware
28 Limited Liability Company, BENEFICIAL
MORTGAGE CO. OF NEVADA; U.S. BANK
NATIONAL ASSOCIATION, NOT IN ITS
INDIVIDUAL CAPACITY BUT SOLELY AS
TRUSTEE OF NRZ RECOVERY TRUST; and
all persons unknown, claiming any legal or
equitable right, title, estate, lien, or interest in the
property described in the complaint adverse to
plaintiffs' title, or any cloud on plaintiffs' title
hereto, named as DOES 1 through 50, inclusive,

29 Defendants.

30 Plaintiffs Charles S. Garner and Cathy J. Garner (**plaintiffs**) and defendant U.S. Bank
31 National Association, not in its individual capacity but solely as Trustee of NRZ Recovery Trust
32 (**U.S. Bank**), by and through their respective counsel of record, hereby stipulate and agree that the
33 above-entitled action shall be dismissed in full with prejudice.

34 . . .

1 Each party shall bear its own attorney's fees, prejudgment interest, and costs of suit.
2

3 **IT IS SO STIPULATED.**

4 DATED this 21st day of December, 2022.

<p>5 AKERMAN LLP</p> <p>6 _____ 7 /s/ <i>Nicholas E. Belay</i> 8 ARIEL STERN, ESQ. 9 Nevada Bar No. 8276 10 NATALIE L. WINSLOW, ESQ. 11 Nevada Bar No. 12125 12 NICHOLAS E. BELAY, ESQ. 13 Nevada Bar No. 15175 14 1635 Village Center Circle, Suite 200 15 Las Vegas, Nevada 89134 16 <i>Attorneys for U.S. Bank National Association, 17 not in its individual capacity but solely as 18 Trustee of NRZ Recovery Trust and Ditech 19 Financial, LLC</i></p>	<p>5 THE LAW OFFICE OF CAROLE M. POPE</p> <p>6 _____ 7 /s/ <i>Carole M. Pope</i> 8 CAROLE M. POPE, ESQ. 9 Nevada Bar No. 3779 10 301 Flint St. 11 Reno, NV 89501 12 <i>Attorneys for Charles S. Garner and Cathy J. 13 Garner</i></p>
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14 **ORDER**

15 IT IS SO ORDERED.

16 
17 _____
18 **UNITED STATES DISTRICT COURT JUDGE**
19 Case No.: 3:20-cv-00704-MMD-CSD

20 **DATED:** December 22, 2022